

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1673

By: Thomsen

6 AS INTRODUCED

7 An Act relating to liens; amending 42 O.S. 2011,
8 Section 143, as amended by Section 2, Chapter 78,
9 O.S.L. 2013 (42 O.S. Supp. 2016, Section 143), which
relates to subcontractor liens; modifying filing
times; and providing an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 42 O.S. 2011, Section 143, as
14 amended by Section 2, Chapter 78, O.S.L. 2013 (42 O.S. Supp. 2016,
15 Section 143), is amended to read as follows:

16 Section 143. Any person who shall furnish any such material or
17 lease or rent equipment used on said land or perform such labor as a
18 subcontractor, or as an artisan or day laborer in the employ of the
19 contractor, may obtain a lien upon such land, or improvements, or
20 both, from the same time, in the same manner, and to the same extent
21 as the original contractor, for the amount due for such material,
22 equipment and labor, as well as any applicable profit and overhead
23 costs due to the person; and any artisan or day laborer in the
24 employ of, and any person furnishing material or equipment used on

1 said land to, such subcontractor may obtain a lien upon such land,
2 or improvements, or both, for the same time, in the same manner, and
3 to the same extent as the subcontractor, for the amount due for such
4 material, equipment used on said land and labor, as well as any
5 applicable profit and overhead costs due to the person, by filing
6 with the county clerk of the county in which the land is situated,
7 within ~~ninety (90) days~~ six (6) months after the date upon which
8 material or equipment used on said land was last furnished or labor
9 last performed under such subcontract, a statement, verified by
10 affidavit, setting forth the amount due from the contractor to the
11 claimant, and the items thereof, as nearly as practicable, the name
12 of the owner, the name of the contractor, the name of the claimant,
13 and a legal description of the property upon which a lien is
14 claimed. Immediately upon the filing of such statement the county
15 clerk shall enter a record of the same against the tract index and
16 in the journal provided for in the preceding section, and in the
17 manner therein specified. Provided further, that the owner of any
18 land affected by such lien shall not thereby become liable to any
19 claimant for any greater amount than he contracted to pay the
20 original contractor. The risk of all payments made to the original
21 contractor shall be upon such owner until the expiration of the
22 ~~ninety (90) days~~ six (6) months herein specified, and no owner shall
23 be liable to an action by such contractor until the expiration of
24 said ~~ninety (90) days~~ six (6) months, and such owner may pay such

1 subcontractor the amount due him from such contractor for such
2 labor, equipment used on said land and material, and the amount so
3 paid shall be held and deemed a payment of said amount to the
4 original contractor.

5 SECTION 2. This act shall become effective November 1, 2017.

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